



September 30, 1999

Ms. Deanie Bostick-Martin
Records System Supervisor
Lubbock Police Department
P.O. Box 2000
Lubbock, Texas 79457

OR99-2759

Dear Ms. Bostick-Martin:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128968.

The Lubbock Police Department (the "department") received a request for all information pertaining to a named individual. Citing Open Records Letter No. 98-0024 (1998), you informed the requestor that his request was, in essence, a request for the department to compile the individual's criminal history, and that fulfilling such a request violates the individual's common-law right to privacy. You advised the requestor to "narrow the scope of [his] request to a specified date or dates or otherwise clarify [his] request." On August 16, 1999, the department received the requestor's amended request which reads as follows:

Pursuant to your request, this letter is to serve as my request that your department provide me a copy of the arrest records of [the named individual] from January 1, 1998 through the present.

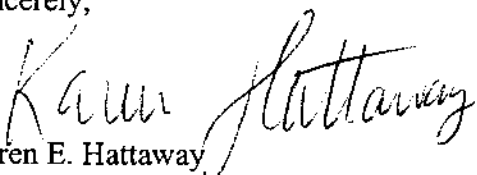
The requestor "narrowed" his request by limiting it to arrest records created during a 22-month period. Responding to the amended request would require the department to compile the named individual's criminal history for a 22-month period. For the reasons discussed below, the department must withhold the requested information based on section 552.101 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information protected by the common-law right of privacy. *Industrial Found. v. Texas Indus. Accident*

Bd., 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The requestor is asking for any arrest records for the named individual for a 22-month period. The requestor is, in essence, asking that the department compile this individual's criminal history for a 22-month period. Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. See *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989) (concluding that federal regulations which limit access to criminal history record information that states obtain from the federal government or other states recognize privacy interest in such information). Similarly, open records decisions issued by this office acknowledge this privacy interest. See Open Records Decision Nos. 616 (1993), 565 (1990). Limiting a request for criminal history to a 22-month period does not lessen the impact of the request on individual privacy rights. The department, therefore, must withhold all compilations of the named individual's criminal history pursuant to section 552.101.

Because we are able to resolve this matter under section 552.101, we do not address your arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,


Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 128968

Encl. Submitted documents

cc: Mr. Mark Alexander
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12801 North Central Plaza Three
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(w/o enclosures)